



State of Idaho

DEPARTMENT OF WATER RESOURCES

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Governor

GARY SPACKMAN
Director

October 29, 2015

CITY OF IDAHO FALLS
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CITY OF IDAHO FALLS
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RE: Notice of Mitigation Plan submitted by the City of Idaho Falls

Gentlemen:

The Department of Water Resources has prepared a legal notice for the above referenced mitigation plan.

A legal notice of the mitigation plan has been prepared and is scheduled for publication in the **IDAHO STATE JOURNAL, TIMES NEWS, IDAHO STATESMAN, and POST REGISTER on 11/5/2015 and 11/12/2015**. Protests to the mitigation plan may be submitted to any Department office for a period ending ten (10) days after the second publication (**November 23, 2015**). If the mitigation plan is protested, you will be sent a copy of each protest.

Please contact this office; or our State Office at (208) 287-4800 if you have any questions regarding the publication.

Sincerely,

Denise Maline
Administrative Assistant

NOTICE OF MITIGATION PLAN SUBMITTED BY THE CITY OF IDAHO FALLS

Notice is hereby given that, on October 19, 2015, the City of Idaho Falls ("City"), through counsel Michael A. Kirkham, Assistant City Attorney, City of Idaho Falls, P.O. Box 50220, Idaho Falls, ID, 83405, and Robert L. Harris, Esq. of the firm Holden, Kidwell, Hahn & Crapo, P.L.L.C., P.O. Box 50130, 1000 Riverwalk Drive, Suite 200, Idaho Falls, ID, 83405, submitted to the Idaho Department of Water Resources ("Department") the *City of Idaho Falls Conjunctive Management Rule (CMR) 43 Mitigation Plan* ("Mitigation Plan"). The Department will process the Mitigation Plan pursuant to the Department's Conjunctive Management Rules ("CM Rules") (IDAPA 37.03.11). The Mitigation Plan may be viewed online at the following website link:

<http://idwr.idaho.gov/legal-actions/mitigation-plan-actions/SWC/City-of-Idaho-Falls.html>

The City holds water rights subject to potential curtailment in Snake River delivery calls before the Department. See *Mitigation Plan* at Exhibits 1 & 2. The Mitigation Plan intends to benefit senior water rights held by members of the Surface Water Coalition ("SWC") (comprised of Twin Falls Canal Company, North Side Canal Company, A&B Irrigation District, American Falls Reservoir District #2, Burley Irrigation District, Milner Irrigation District, and Minidoka Irrigation District) involved in the SWC delivery call. The Mitigation Plan "is being submitted to avoid any disruption in the City's operations and to ensure the necessary approvals are in place to mitigate—without procedural delay—for the SWC's senior water rights determined to be impacted by exercise of the City's ground water rights." *Id.* at 6.

The Mitigation Plan seeks pre-approval for the following activities: (1) discharge into the Snake River from the City's wastewater treatment facility; (2) assignment of storage water allocated to its 1,180 shares of Palisades Water Users, Inc., stock, up to the mitigation amount required, to the Water District 1 storage water accounts of the injured SWC members; (3) future ground water recharge activities; (4) assignment of unused water allocated to City-owned property by virtue of its membership in irrigation districts to the Water District 1 storage water accounts of the injured members of the SWC; (5) lease of surface water from the Idaho Water Supply Bank or the Water District 1 Rental Pool; (6) a petition to participate as a non-member of the Bonneville-Jefferson Ground Water District and/or Idaho Ground Water Appropriators, Inc., to receive the benefits of an approved mitigation plan; (7) entry into leases with private water right holders of either surface or ground water to be used for mitigation purposes.

The Department has not determined the adequacy of the proposed Mitigation Plan. A complete copy of the Mitigation Plan is available for review at either the Department's State Office in Boise, the Department's Regional Office in Twin Falls, or at the website link above.

Any protest against approval of the Mitigation Plan must be filed with any Department office, together with a protest fee of \$25, on or before November 23, 2015. The protest must include a certificate of service showing that a copy of the protest has been mailed to or served upon counsel for the City.

Gary Spackman, Director

Published in the Times News, Post Register, Idaho Statesman & Idaho State Journal on November 5th & 12th, 2015.